

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

MDL No. 3076

Case No: 1:23-md-03076-KMM

IN RE:

FTX Cryptocurrency Exchange Collapse Litigation

THIS DOCUMENT RELATES TO:

Domestic Investor Defendants

**DOMESTIC INVESTOR DEFENDANTS' RESPONSE TO
PLAINTIFFS' NOTICE OF FILING SUPPLEMENTAL AUTHORITY**

The Domestic Investor Defendants¹ respond to Plaintiffs' Notice of Filing Supplemental Authority (ECF No. 535), identifying an out-of-district decision in *SEC v. Genesis Global Capital, LLC*, No. 23-cv-287-ER (S.D.N.Y. Mar. 13, 2024) ("*Genesis*"), which analyzed whether the SEC adequately alleged a violation of Section 5 of the Securities Act of 1933. That decision is irrelevant to the Domestic Investor Defendants' Motion to Dismiss (ECF No. 301) (the "Motion"). Plaintiffs have not asserted claims under the Securities Act, and the *Genesis* court's analysis of whether different products were "securities" has no bearing on the Motion. Motion at 28 n.17 (noting that this Court need not consider whether the complaint alleges offers or sales of securities at this time, given its many other pleading deficiencies). Similarly, the *Genesis* court's analysis of what constitutes an "offer" or "sale" of securities under the Securities Act applied a

¹ Altimeter Capital Management, LP, K5 Global Advisor, LLC, Multicoine Capital Management LLC, Paradigm Operations LP, Ribbit Capital, L.P., Sequoia Capital Operations, LLC, SkyBridge Capital II, LLC, Thoma Bravo, LP, and Tiger Global Management, LLC.

different legal standard than those relevant to Plaintiffs' securities claims here, which are brought under California and Florida law. Motion at 26-30.

Dated: March 21, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

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/s/ Paul C. Huck, Jr.

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*Counsel for Defendant
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